

## **Sample Water Utility Availability (WAC) Ordinance**

### **An Ordinance Amending \_\_\_\_\_ City Code Chapter \_\_\_\_, Water and Sewer, By Repealing Section \_\_\_\_\_, Charges For Service Connections, And Replacing It With \_\_\_\_\_, Utility Availability And Connection Charges**

The Council of the City of \_\_\_\_\_ ordains that the City Code be amended by adding the following Section:

#### **401.03 Utility Availability and Connection Charges.**

It is the purpose of the Ordinance to establish and impose just and equitable charges for the availability of certain utility systems, including waterworks systems, sewer systems, and related facilities, and for the connections therewith, to pay for the construction, reconstruction, repair, enlargement, improvement, or other obtainment and the maintenance, operation and use of such facilities. Such charges are authorized and shall be determined and imposed in accordance with Minnesota Statute Sections 444.075 and 429.021.

**401.031 Connection Charges.** Connection Charges shall be levied against a property whenever a connection is made to the City of \_\_\_\_\_ sewer and/or water system at a rate fixed by the City Council, as adopted by resolution, and may be amended from time to time. The connection fees are charged on a per unit basis and shall be collected at the time a building permit is applied for.

#### **401.031a Computation of Units.**

1. Single Family Homes = 1 unit.
2. Townhomes and Duplexes = 1 unit per dwelling.
3. Multi-Family Dwellings with potential for laundry facilities included in each unit = 1 unit per dwelling.
4. Multi-Family Dwellings w/o potential for laundry facilities included in each unit = 80% unit per dwelling.
5. Mobile Homes = 1 unit.
6. Low-income and subsidized housing units = 75% of the calculated unit (i.e. .75 x 80 for LI Housing without private laundry facilities).
7. Other buildings and commercial structures based on usage equivalents as outlined in the most recent "Standard Criteria" published by the Metropolitan Waste Control Commission.

**401.031b Undeveloped Lots.** Any premises for which connection to the City sanitary sewer and/or water system is sought, which has not paid its proportionate share of the cost of extending such service the premises in question, whether by special assessment or otherwise, shall pay a connection charge in the amount currently adopted by City Council at the time a building permit is applied for.

#### **401.032 Utility Availability Charges.**

**401.032a Charges Authorized.** A sanitary sewer availability charge and/or a water availability charge shall be imposed against the owner of any undeveloped property which is proposed to be subdivided and/or developed. Both the sanitary sewer and water availability charges shall be computed on a per acre amount set by City Council by resolution from time to time and which shall be reviewed at least once every five years to determine if the charges are still adequate to meet the needs of the subject utility system. In determining the reasonableness of the charges imposed, the City Council may consider any or all of the costs of the establishment, operation, maintenance, depreciation and necessary replacement of the system, and of improvements, enlargements and extensions necessary to serve adequately the territory of the City, including the principal and interest due on obligations issued or to be issued.

**403.032b Computation of Charges.** The accessible area is determined by the Gross Area less that Quantity Ponding and Wetland Areas. Areas donated to the City and land platted as an easement will NOT be deducted from the Gross Area; this includes but is not limited to, parks, pathways, street right-of-ways and utility easements.

**401.032c Payment of Charges.** Any charges imposed by authority of this section shall be paid prior to release of a final plat for recording unless a special assessment project is approved by the City Council. Upon petition from the developer, and when trunk facilities are being constructed in conjunction with a proposed plat or development, the City Council may elect to levy a special assessment in an amount equal to the area charge upon all or a portion of property in the plat or development. The City Council may defer the payment of the assessment until each lot is sold or developed, or otherwise

as determined by the City Council. City Council may have the option to defer payment of charges on outlots until said lots are sold, developed, or at a specific date established by City Council, whichever occurs first. Developments that do not require platting shall pay applicable charges upon site plan approval or building permit approval, whichever occurs first.

401.32d Development Review. All new developments shall be reviewed by City staff to determine whether they have paid for utility trunk systems by special assessments and if so, any charges imposed pursuant to this Ordinance may be adjusted accordingly.

401.32e City Council Authority. City Council shall review the assignment of charges as provided above, may modify or add to them by resolution from time to time, and may deviate from the general assignment of charges or other charges in particular cases where it is fair and reasonable to do so, such as in an affordable housing development. The City shall be solely responsible for determining when and what utility trunk systems shall be constructed in the City of \_\_\_\_\_.

This ordinance shall become effective immediately upon publication after approval.

Adopted this 1st day of \_\_\_\_\_, 20\_\_.

By: \_\_\_\_\_